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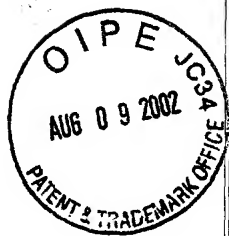
PATENT TRADEMARK OFFICE

PATENT

Customer No. 22,852

Attorney Docket No. 5725.1018-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Xavier BLIN et al.

Application No.: 10/046,568

Filed: January 16, 2002

For: NAIL POLISH COMPOSITION  
COMPRISING A POLYMER  
(As Amended)

)  
)  
) Group Art Unit: Unknown  
)  
) Examiner: Unknown  
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Commissioner for Patents  
Washington, DC 20231

Sir:

**TRANSMITTAL LETTER**

Enclosed is a Preliminary Amendment. The item checked below is appropriate:

The claims are calculated below:

	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	Additional Fee
Total	57	-	48	9	x \$ 18	\$ 162.00
Indep.	6	-	9	0	x \$ 84	0.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim(s)					+\$280	
Subtotal						\$ 162.00
Reduction by 1/2 if small entity						-
TOTAL						\$ 162.00

☒ A fee of \$162.00 to cover the cost of the additional claims added by this Preliminary Amendment is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: August 9, 2002

By: Thalia V. Warnement  
Thalia V. Warnement  
Reg. No. 39,064

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Customer No. 22,852

Attorney Docket No. 5725.1018-00



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
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**Xavier BLIN et al.** )  
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 Application No.: 10/046,568 ) Group Art Unit: Unknown  
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 For: NAIL POLISH COMPOSITION )  
 COMPRISING A POLYMER )  
 (AS AMENDED) )

Commissioner for Patents  
 Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

Prior to the examination of the above application, please amend this application as follows:

**IN THE TITLE:**

Please delete the title and add a new title as follows:

**NAIL POLISH COMPOSITION COMPRISING A POLYMER****IN THE CLAIMS:**

Please cancel claims 1-48 without prejudice or disclaimer.

Please add new claims 49-105 as follows:

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49. (New) A structured nail polish composition comprising:

at least one liquid organic phase comprising at least one volatile organic solvent, the liquid organic phase being structured by at least one first polymer having a weight-average molecular weight of less than or equal to 100,000 and comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized.

50. (New) The composition according to Claim 49, wherein the weight-average molecular weight of the at least one first polymer is less than 50,000.

51. (New) The composition according to Claim 49, wherein the at least one hetero atom is a nitrogen atom.

52. (New) The composition according to Claim 49, wherein the hydrocarbon-based units comprising at least one hetero atom are chosen from amide groups.

53. (New) The composition according to Claim 49, wherein the at least one fatty chain is present in an amount ranging from 40% to 98% of the total combined number of the hydrocarbon-based repeating units and the at least one fatty chain.

54. (New) The composition according to Claim 53, wherein the at least one fatty chain is present in an amount ranging from 50% to 95% the total combined number of the hydrocarbon-based repeating units and the at least one fatty chain.

55. (New) The composition according to Claim 49, wherein said at least one fatty chain is chosen from at least one pendent fatty chain, and further wherein the at least one pendent fatty chain is linked directly to at least one of said at least one hetero atom.

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56. (New) The composition according to Claim 49, wherein the polymer backbone of the at least one first polymer comprises at least one amide repeating unit in said backbone.

57. (New) The composition according to Claim 49, wherein the weight-average molecular weight of the at least one first polymer ranges from 2,000 to 20,000.

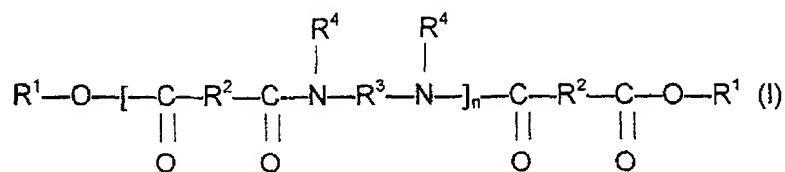
58. (New) The composition according to Claim 57, wherein the weight-average molecular weight of the at least one first polymer ranges from 2,000 to 10,000.

59. (New) The composition according to Claim 49, wherein the at least one terminal fatty chain is linked to the skeleton via at least one bonding group.

60. (New) The composition according to Claim 49, wherein the at least one bonding group is an ester group.

61. (New) The composition according to Claim 49, wherein the at least one fatty chain comprises from 12 to 68 carbon atoms.

62. (New) The composition according to Claim 49, wherein the at least one first polymer is chosen from polymers of formula (I) below:



wherein:

n is a number of amide units such that the ester groups are present in an amount ranging from 10% to 50% of the total number of ester and amide groups;

R<sup>1</sup> is independently chosen from alkyl and alkenyl groups containing at least 4 carbon atoms;

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$R^2$  is independently chosen from  $C_4$  to  $C_{42}$  hydrocarbon-based groups, wherein 50% of the  $R^2$  groups are chosen from  $C_{30}$  to  $C_{42}$  hydrocarbon-based groups;

$R^3$  is independently chosen from organic groups containing at least 2 carbon atoms, hydrogen, and optionally at least one atom chosen from oxygen and nitrogen atoms; and

$R^4$  is independently chosen from hydrogen,  $C_1$  to  $C_{10}$  alkyl groups, and a direct bond to  $R^3$  or to another  $R^4$ , such that the nitrogen atom to which  $R^3$  and  $R^4$  are both attached forms part of a heterocyclic structure defined by  $R^4-N-R^3$ , wherein at least 50% of the  $R^4$  groups are hydrogen.

63. (New) The composition according to Claim 62, wherein  $R^1$  is a  $C_{12}$  to  $C_{22}$  alkyl group.

64. (New) The composition according to Claim 62, wherein  $R^2$  is a  $C_{30}$  to  $C_{42}$  hydrocarbon-based group.

65. (New) The composition according to Claim 49, wherein the at least one first polymer is present in an amount ranging from 0.01% to 60% by weight, relative to the total weight of the composition.

66. (New) The composition according to Claim 65, wherein the at least one first polymer is present in an amount ranging from 0.5% to 30% by weight, relative to the total weight of the composition.

67. (New) The composition according to Claim 66, wherein the at least one first polymer is present in an amount ranging from 1% to 20% by weight, relative to the total weight of the composition.

68. (New) The composition according to Claim 49, wherein said organic phase comprises at least one volatile organic solvent exhibiting mean Hansen solubility parameters  $dD$ ,  $dP$  and  $dH$  at 25°C, wherein  $dD$ ,  $dP$  and  $dH$  satisfy the following conditions:

$$15 \text{ (J/cm}^3\text{)}^{1/2} \leq dD \leq 19 \text{ (J/cm}^3\text{)}^{1/2}$$

$$dP \leq 10 \text{ (J/cm}^3\text{)}^{1/2}; \text{ and}$$

$$dH \leq 10 \text{ (J/cm}^3\text{)}^{1/2}.$$

69. (New) The composition according to Claim 68, wherein  $dP \leq 5 \text{ (J/cm}^3\text{)}^{1/2}$ .

70. (New) The composition according to Claim 68, wherein  $dH \leq 9 \text{ (J/cm}^3\text{)}^{1/2}$ .

71. (New) The composition according to Claim 68, wherein dD, dP and dH obey the relationship

$$\sqrt{4(17 - dD)^2 + dP^2 + dH^2} < L$$

wherein L is equal to  $10 \text{ (J/cm}^3\text{)}^{1/2}$ .

72. (New) The composition according to Claim 71, wherein L is equal to  $9 \text{ (J/cm}^3\text{)}^{1/2}$ .

73. (New) The composition according to Claim 49, wherein the composition further comprises at least one second film-forming polymer.

74. (New) The composition as claimed in Claim 73, wherein the at least one second film-forming polymer is chosen from cellulose polymers, polyurethanes, acrylic polymers, vinyl polymers, polyvinylbutyrals, alkyd resins, resins resulting from aldehyde condensation products, and arylsulfonamide-epoxy resins.

75. (New) The composition according to Claim 49, wherein the at least one second film-forming polymer is present in an amount ranging from 0.1% to 60% by weight, relative to the total weight of the composition.

76. (New) The composition according to Claim 75, wherein the at least one second film-forming polymer is present in an amount ranging from 2% to 40% by weight, relative to the total weight of the composition.

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77. (New) The composition according to Claim 76, wherein the at least one second film-forming polymer is present in an amount ranging from 5% to 25% by weight, relative to the total weight of the composition.

78. (New) The composition according to Claim 49, wherein the at least one volatile organic solvent is chosen from esters having from 4 to 8 carbon atoms and alkanes having from 6 to 10 carbon atoms.

79. (New) The composition according to Claim 49, wherein the at least one volatile organic solvent is chosen from ethyl acetate, n-propyl acetate, isobutyl acetate, n-butyl acetate, and heptane.

80. (New) The composition according to Claim 49, wherein the at least one volatile organic solvent is chosen from branched C<sub>8</sub>-C<sub>16</sub> alkanes, and branched C<sub>8</sub>-C<sub>16</sub> esters.

81. (New) The composition according to Claim 49, wherein the volatile organic solvent is chosen from C<sub>8</sub>-C<sub>16</sub> isoparaffins, and isododecane.

82. (New) The composition according to Claim 49, wherein the at least one volatile organic solvent is present in an amount ranging from 20% to 98% by weight, relative to the total weight of the composition.

83. (New) The composition according to Claim 82, wherein the at least one volatile organic solvent is present in an amount ranging from 30% to 90% by weight, relative to the total weight of the composition.

84. (New) The composition according to Claim 83, wherein the at least one volatile organic solvent is present in an amount ranging from 40% to 85% by weight, relative to the total weight of the composition.

85. (New) The composition according to Claim 49, wherein the liquid organic phase additionally comprises at least one nonvolatile oil.

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86. (New) The composition according to Claim 49, wherein the liquid organic phase is present in an amount ranging from 5 to 99% by weight, relative to the total weight of the composition.

87. (New) The composition according to Claim 86, wherein the liquid organic phase is present in an amount ranging from 20 to 75% by weight, relative to the total weight of the composition.

88. (New) The composition according to Claim 49, further comprising at least one additive chosen from coloring materials, antioxidants, preservatives, fragrances, fillers, waxes, neutralizing agents, cosmetic or dermatological active principles, dispersing agents, spreading agents, and sunscreens.

89. (New) The composition according to Claim 49, wherein the composition is in the form of a stiff gel.

90. (New) The composition according to Claim 49, wherein the composition is in the form of an anhydrous stick.

91. (New) The composition according to Claim 49, wherein the composition is in the form of a stick with a hardness ranging from 30 to 300 g, measured by the cheesewire method.

92. (New) A stick nail polish composition comprising:

a liquid organic phase comprising at least one volatile organic solvent and at least one first polymer with a weight-average molecular weight of less than or equal to 100,000 comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

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b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized.

93. (New) The stick nail polish composition according to Claim 92, wherein the hydrocarbon-based units comprising at least one hetero atom are chosen from amide groups.

94. (New) A cosmetic composition comprising:

an organic phase and at least one first polymer with a weight-average molecular weight of less than or equal to 100,000 comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized,

and a second additional film-forming polymer, the organic phase comprising at least one volatile organic solvent exhibiting mean Hansen solubility parameters  $dD$ ,  $dP$  and  $dH$  at 25°C which satisfy the following conditions:

$$15 \text{ (J/cm}^3\text{)}^{1/2} \leq dD \leq 19 \text{ (J/cm}^3\text{)}^{1/2}$$

$$dP \leq 10 \text{ (J/cm}^3\text{)}^{1/2}; \text{ and}$$

$$dH \leq 10 \text{ (J/cm}^3\text{)}^{1/2}.$$

95. (New) A cosmetic composition according to claim 94, wherein said at least one first polymer is a polyamide polymer and said hydrocarbon-based repeating units are amide repeating units.

96. (New) A nail polish composition comprising:

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a liquid organic phase, at least one first polymer with a weight-average molecular weight of less than or equal to 100,000 comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized,

and a second additional film-forming polymer, the organic phase comprising at least one volatile organic solvent exhibiting mean Hansen solubility parameters  $dD$ ,  $dP$  and  $dH$  at 25°C which satisfy the following conditions:

$$15 \text{ (J/cm}^3\text{)}^{1/2} \leq dD \leq 19 \text{ (J/cm}^3\text{)}^{1/2}$$

$$dP \leq 10 \text{ (J/cm}^3\text{)}^{1/2}; \text{ and}$$

$$dH \leq 10 \text{ (J/cm}^3\text{)}^{1/2}.$$

97. (New) A nail polish composition according to claim 96, wherein said at least one first polymer is a polyamide polymer and said hydrocarbon-based repeating units are amide repeating units.

98. (New) A cosmetic process for making up or nontherapeutically treating the nails of human beings, comprising:

applying to the nails of human beings an effective amount of a composition comprising:

a liquid organic phase comprising at least one volatile organic solvent and at least one first polymer with a weight-average molecular weight of less than or equal to 100,000 comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

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b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized.

99. (New) A method of producing a nail polish composition in the form of stick, comprising:

a liquid organic phase comprising at least one volatile organic solvent and at least one first polymer with a weight-average molecular weight of less than or equal to 100,000 comprising:

a) a polymer backbone comprising hydrocarbon-based repeating units, said units comprising at least one hetero atom in said backbone, and

b) at least one fatty chain containing from 6 to 120 carbon atoms and chosen from at least one pendent fatty chain and at least one terminal fatty chain, wherein the at least one fatty chain is linked to the hydrocarbon-based units and is optionally functionalized.

100. (New) The method according to Claim 99, wherein said stick has a hardness ranging from 30 to 300 g, measured by the cheesewire method.

101. (New) The method according to Claim 99, wherein the at least one first polymer is a polyamide having end groups in which the end groups comprise at least one ester group.

102. (New) The method according to Claim 101, wherein the at least one ester group comprises a hydrocarbon-based chain comprising from 10 to 42 carbon atoms.

103. (New) The method according to Claim 99, wherein said organic phase comprises at least one volatile organic solvent exhibiting mean Hansen solubility parameters dD, dP and dH at 25°C, wherein dD, dP and dH satisfy the following conditions:

$$15 (\text{J}/\text{cm}^3)^{1/2} \leq dD \leq 19 (\text{J}/\text{cm}^3)^{1/2}$$

$$dP \leq 10 (\text{J}/\text{cm}^3)^{1/2}; \text{ and}$$

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$$dH \leq 10 \text{ (J/cm}^3\text{)}^{1/2}.$$

104. (New) The method according to Claim 99, wherein the at least one volatile organic solvent is chosen from ethyl acetate, n-propyl acetate, isobutyl acetate, n-butyl acetate, and heptane.

105. (New) The composition according to Claim 99, wherein the composition comprises at least one second film-forming polymer.

#### REMARKS

Claims 1-48 have been cancelled without prejudice or disclaimer. New claims 49-105 have been added to more particularly point out and distinctly claim that which Applicants consider to be the invention. Applicants note that the term "hydrocarbonaceous" used in the originally filed translated claims has been revised to read "hydrocarbon-based" to conform more closely to standard terminology in the art.


No new matter has been added by these amendments. Accordingly, Applicants now await an action on the merits.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 9, 2002

By:   
Thalia V. Warnement  
Reg. No. 39,064

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Attorney Docket No. 05725.1018-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Xavier BLIN )  
)  
Application No.: 10/046,568 ) Group Art Unit: Unassigned  
)  
Filed: January 16, 2002 ) Examiner: Unassigned  
)  
For: NAIL POLISH COMPRISING A )  
POLYMER )

**SUBMISSION OF ENGLISH LANGUAGE TRANSLATION OF  
PROVISIONAL APPLICATION UNDER 37 C.F.R 1.52(d)(2)**

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Sir:

Applicants hereby submit an English language translation of Provisional  
Application No. 60/330,767, filed October 30, 2001, in advance of any requirement from  
the Patent Office. It is requested that this translation be placed in the provisional  
application file wrapper.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

Mark D. Sweet  
Reg. No. 41,469

Dated: July 18, 2002

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I, John Neil Albert SWEENEY BSc, PhD, Dip. Trans. IoL,  
translator to RWS Group plc, of Europa House, Marsham Way, Gerrards Cross,  
Buckinghamshire, England declare;

1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland.
2. That I am well acquainted with the French and English languages.
3. That the attached is, to the best of my knowledge and belief, a true translation into the English language of the specification in French filed with the application for a patent in the U.S.A. on  
under the number
4. That I believe that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application in the United States of America or any patent issuing thereon.

For and on behalf of RWS Group plc

The 25th day of January 2002

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